

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ACE AMERICAN INSURANCE COMPANY,

Plaintiff,

17 Civ. 6810 (MKV)

-against-

SEWELL L. "HUNTER" FRYE, JR., THE ESTATE OF  
EDUARDO NUNEZ, THE ESTATE OF DANIELA  
ABREU, TERESA HENRIQUEZ, ABEL GARCIA,  
RAYMOND BAUTISTA, and THE ESTATE OF JOSE  
HENRIQUEZ,

Defendants.  
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**ORDER APPROVING SETTLEMENT ON BEHALF OF DECEDENT**

Defendant Teresa Henriquez, as Administratrix of Defendant the Estate of Daniela Abreu, has moved the Court [ECF #89] for approval of a settlement between Plaintiff Ace American Insurance Company and Henriquez, pursuant to Local Rule 83.2. The complete and precise terms and conditions of the settlement are set forth in the Release of All Claims (hereinafter "Release"), attached as Exhibit B to the Declaration of Philip Hines in Support of the Motion to Approve the Settlement [ECF #90]. The Court has also received a declaration from Henriquez in support of the reasonableness of the settlement [ECF #91]. The motion is unopposed.

The Court has reviewed the Release, Defendant's motion for approval of the settlement, and the documents submitted in support of the motion. The Court is fully informed of the specifics of the full and final terms and conditions of the settlement. The Court finds that the terms and conditions of this settlement, as set forth in the Release are fair, reasonable, and in the best interests of the decedent, Daniela Abreu, and her estate. The Court further finds that the terms and conditions of this settlement, as set forth in the Release, satisfy the requirements of Local Civil

Rule 83.2(b).

**IT IS THEREFORE ORDERED** that the settlement as set forth in the Release, is hereby approved.

**IT IS FURTHER ORDERED** that Teresa Henriquez, as Administratrix of the Estate of Daniela Abreu, is authorized and required to sign any documents that are necessary to consummate this settlement on behalf of the decedent, Daniela Abreu.

**IT IS FURTHER ORDERED** that Teresa Henriquez, as Administratrix, is guardian of the property of Daniela Abreu for purposes of receiving funds on her behalf under the Release and this Order pursuant to N.Y. C.P.L.R. § 1206.

**IT IS FURTHER ORDERED** that the settlement amount of Two Hundred and Twenty-Five Thousand Dollars (\$225,000.00) (hereinafter “Settlement Amount”) shall be distributed according to the terms and conditions of the Release.

**IT IS FURTHER ORDERED** that attorney’s fees in this action shall be set at Seventy-Five Thousand Dollars (\$75,000.00), an amount not exceeding 33.33% of the Settlement Amount, and shall be paid as provided in the Release. The Court finds that the reimbursable costs and expenses associated with the litigation are Ten Thousand Two Hundred One Dollars and Five Cents (\$10,221.05), and that such costs and expenses are fair, reasonable, and necessary. It is hereby ordered that the legal fee and such costs and expenses are approved and are to be paid to Held & Hines, LLP from the Settlement Amount.


**IT IS FURTHER ORDERED** that Defendants are legally responsible for all past, present, and future liens or claims for payment or reimbursement, including any liens or claims for payment or reimbursement by Medicaid, Medicare, or healthcare providers, as set forth in the Release.

**IT IS FURTHER ORDERED** that this action is discontinued without prejudice to

restoring the action to this Court's calendar if the application to restore the action is made by September 14, 2020. If no such application is made by that date, today's dismissal of the action is with prejudice. See *Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

SO ORDERED:

Date: 8/13/2020  
New York, New York

  
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Mary Kay Vyskocil  
United States District Judge